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Allegations of New Hazardous Waste Tied to Allens Ave Scrap Yard

Tuesday, June 30, 2015

Kate Nagle, GoLocal Contributor



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A neighboring business to Sims Metals Management (SMM) on Allens Avenue, who has both a pending lawsuit and a [petition before the city council against the scrap metal yard](#) - has said that since initial environmental testing on its property in 2013, it has recently determined the presence of "auto fluff" in light of recent additions to the scrap pile.

Providence Piers, who had [filed a petition in February with the City Council](#) alleging that the scrap yard exceeded environmental standards presenting a "grave public health and safety risk which must be abated," has now said that last month it found on its property the hazardous environmental byproduct of vehicle shredding.

"Per OHI, Providence Piers' environmental consultant, when the dust investigation was conducted in August of 2013, there was no auto fluff present on the roof.

However, since the SMM New England vehicle shredding facility in Johnston, RI opened in late 2013, the ferrous scrap from that facility is trucked to the 242 Allens Avenue site where it is stockpiled in massive quantities until it is exported via ship," said Joe Pemantell, who along with lawyer Mike Kelly is representing Providence Piers.

"Auto fluff is an all too well-known by-product of vehicle shredding operations. Despite the "sprinklers" installed at SMM, after receiving the notice of non-compliance with fugitive dust regulations from RIDEM in 2014, the situation has now gotten even worse, with shredded Auto Fluff (including plastic, rubber and fibers) joining the iron, lead and cadmium laden dust becoming airborne along the waterfront and Allens Avenue," continued Pemantell.

In 2012, California state regulators had announced a \$2.9 million settlement with S.A. Recycling, a joint venture involving Sims Metal Management, which describes itself as the world's largest auto recycling company. [According to the New York Times](#), the company's Terminal Island shredder was accused of spewing tons of microscopic particles of lead and other contaminants onto neighborhoods in Los Angeles County.

Public Works Committee Taking Testimony Tuesday

Pemantell's legal assistant Jumarie Reynolds said that since the petition had been filed with the city council in February, that pursuant to multiple follow-up calls -- and a change of direction in the council -- that a hearing with the Providence City Council Public Works committee was finally scheduled for Tuesday, June 30.

"The Petition was referred to the Public Works subcommittee where it sat with no action for approximately 4 months despite repeated inquiries. On June 24th we were informed that that the subcommittee received an opinion from the City law department, and the City Solicitor is saying that any hearing would be premature; because of the pending litigation between Providence Piers and SMM New England for damages to the Providence Piers building, the subcommittee cannot take any action," said Pemantell.



The north end of Allens Avenue



A plaintiff in Allens Avenue legal proceedings has said they have found "auto-fluff" on their property.

"I told them the litigation was just one aspect, but that the petition pertained to a public nuisance - and a public health concern," Reynolds told GoLocal.

City Council President Luis Aponte said that while the council could take testimony on Tuesday, it would only be for review.

"According to the City Solicitor, we don't have a role to play at this time, with the litigation. We'll hear the testimony -- I've heard third hand that they found auto-fluff -- but if you assume there is a public nuisance, there are other agencies better situated to take care of that at the state or federal level -- DEM, EPA" said Aponte. "That being said, I have not been a supporter of the growth of scrap yards. I don't think they belong between the hurricane barrier and Thurbers Avenue. "

Patrick Conley, the owner of Providence Piers, said he

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didn't expect much on Tuesday.

"I'll be there to testify, for all the good that it will do," said Conley. "I'll bring a shovel so they can bury it. No one will stand up to Sims."

A representative for Sims did not respond to request for comment on Tuesday's hearing.

Neighbor Perspective

Providence resident Linda Quattro, who lives in South Providence, said that she had filed an environment complaint with DEM when she emptied her rain barrels last year, and found sludge at the bottom of them.

"I only heard about the [Conley] petition [on Monday]," said Quattro. "I knew that Mr. Conley had a lawsuit filed...the DEM rep also told me about it. I was told that they, the DEM, has been after this company due to over 25 environmental violations."

Quattro said she would not speak before the council on Tuesday, but wanted to share the following.

"I do want them to know that we consider this area to be polluted with fugitive dust due to the sludge we have found in our rain barrels and also, our cars are routinely covered with dust," said Quattro. "I believe it is time to remove all that dumpy industry and clean up the whole port - replace it with decent businesses, shops, restaurants, supermarkets, etc. So rather than having to shop in East Providence, Seekonk or Warwick, we can actually shop in Providence."

Editor's Note: A previous version of the story attributed Pimantell's quotes to Jumarie Reynolds per communications from Reynolds; the firm clarified they should be attributed to Pimantell.

Related Slideshow: Providence Allens Ave Scrap Metal Company Hit with RICO Lawsuit

In September 2013, three Rhode Island businesses filed a RICO Act suit against Sims Metal Management, who owns and operates two metal scrap yards on Allens Avenue in Providence. SMM filed both answers to the complaint -- as well as a counterclaim.

Below is a timeline of some of the key events in Sims and waterfront developments, as well as dates referenced in the lawsuit -- and counterclaim.



1. October 2011

[Sims Metal Management purchases](#)

[Providence Export](#)--formerly Promet Marine Services Corporation, which began in 1974, "providing 24 hours a day, 7 days a week, voyage-repair services to a variety of vessels trafficking in ports of the Northeastern United States, from Bridgeport, Connecticut, to Portland, Maine.

[The world's largest metal recycler](#), Sims Metal Management is an Australian company with more than 250 locations on five continents and more than 6,200 employees. In the United States, Sims and its joint ventures are located in 21 states and employ more than 4,400 people.



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